

REMARKS

The Present Invention

The present invention pertains to a semiconductor base in which a GaN crystal laterally grown from an upper part of a convex part and a GaN crystal grown from a concave part of a substrate are joined to cover a concavo-convex surface. The resulting semiconductor base has a low dislocation area and a high quality GaN crystal.

The Pending Claims

Claims 22-35 are pending.

Summary of the Office Action

Claims 22, 24, 25, 30, and 32 have been provisionally rejected for obviousness-type double patenting over claims 1, 10, and 11 of U.S. Patent Application No. 10/380,933 (Okagawa et al.) (U.S. Publication No. 2004/0048471) (hereinafter “the ‘933 application”). Claims 23, 26-29, 31, and 33-35 have been objected to as being dependent on a rejected base claim, but otherwise would be allowable if rewritten into independent form. Reconsideration of the pending claims is hereby requested.

Discussion of the Obviousness-Type Double Patenting Rejection

The obviousness-type double patenting rejection is provisional because the ‘933 application has not yet issued as a patent. As stated in M.P.E.P. § 1504.06, “[i]f a provisional double patenting rejection (of any type) is the only rejection remaining in two conflicting applications, the examiner should withdraw that rejection in one of the applications (e.g., the application with the earlier filing date) and permit the application to issue as a patent.” The present application has a filing date of November 30, 2001, whereas the ‘933 application has a filing date of April 17, 2003. Thus, the present application should be passed to issuance without the need to address the obviousness-type double patenting rejection. If appropriate, an obviousness-type double patenting rejection may be raised in the prosecution of the ‘933 application. In such an event, applicants will address the obviousness-type double patenting rejection at that time in connection with the prosecution of the ‘933 application.

Information Disclosure Statement

Applicants thank the Examiner for confirming consideration of the references identified in the Information Disclosure Statement (IDS) that was filed on May 14, 2004, by providing the Examiner-initialed Form PTO-1449 to applicants. However, the Examiner-

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initialed Forms PTO-1449 corresponding to the two IDS's filed July 12, 2004 and August 9, 2004, and including references AJ-AN, have not been provided to applicants. It appears that at least the IDS of August 9, 2004 crossed in the mail with the Office Action. Applicants hereby request that the Examiner confirm consideration of the references cited therein (i.e., references AJ-AN) by returning the Examiner-initialed Forms PTO-1449 to applicants.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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